

they may exact Money of them, do send Strangers to take Distresses, to the intent that they might grieve their Inferiors, by reason that the Parties so distrained, not knowing such Persons, will not suffer the Distresses to be taken; (2) it is provided, that no Distress shall be taken, but by Bailiffs sworn and known. (3) And if they which do distrain do otherwise, and thereof be convict (if the Parties grieved will purchase a Writ of Trespass) they shall restore Damages to the Parties grieved, and besides, shall be grievously punished towards the King.

torqueant mittunt ignotos ad faciend' districtiones ea intentione ut subditos gravare possint per hoc quod sic districti non habentes notitiam personarum non permittunt hujusmodi districtiones super eos fieri statutum est quod nulla districtio fiat nisi per ballivos juratos & notos. Et distringentes si alio modo fecerint & de hoc convicti fuerint si gravati breve de Transgressione impetraverint restituant gravatis dampna & versus regem graviter puniantur.

2 Inst. 445. 3 Co. 12.

The preceding chapter of this Statute relates to lords of Courts, stewards, bailiffs, and the like, procuring false complaints to be brought against defendants, and provides that in case distress (summons and distress being then the process that lay in actions of debt and other personal actions unaccompanied with force, the *capias* in debt being given by 25 E. 3, c. 17,) shall be made on such false complaint the party grieved may replevy and recover treble damages. This chapter, which it appears from 2 Inst. 445, is in affirmance of the common law, was made for the reformation of an abuse by Sheriffs, who used to make bailiffs to distrain who were unknown, to the intent that the owner of the thing distrained might make *rescous*, and thereupon the Sheriff have an opportunity to extort money from him. Anciently, but the practice is now disused, the Sheriff had a bailiff in each hundred of his county, whose duty it was to serve process therein, and to these, as well as to bailiffs *of liberties and manors 143 this act refers. It is observed in the same book, that at the time of the making of this Act this process as before mentioned lay in an action of debt, so that the Act extending to an action of debt, though a subsequent Statute give a *capias*, yet the *capias* coming in lieu of the distress is within it. From which the conclusion is, that wherever the process in actions at common law was by distress the process now is within the Statute. It may be observed that the Sheriff has the power to appoint a special bailiff for a particular time only, as to execute one writ, &c., and such a bailiff is not required to take an oath, what he does being considered as done by